



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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February 11, 2025

VIA ECF

Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Elsun Wheeler, et al. v. City of New York, et. al.*
24 CV 469 (RA)

Your Honor:

I am a Senior Counsel in the Office of the Muriel Goode-Trufant, Corporation Counsel of the City of New York, and attorney for defendant City of New York in the above-referenced matter. Defendant respectfully requests, with plaintiff's consent, a forty-five day extension of time to complete discovery, from February 13, 2025 to March 31, 2025, a corresponding adjournment of the remaining discovery deadlines, as well as an adjournment of the post-discovery conference scheduled for February 15, 2025 to a date and time thereafter convenient for the Court. The parties further advise the Court that they have settled the claims with regard to plaintiff Freddie Davis.

This is the City's second request for an extension of discovery.

By way of background, plaintiffs bring this action, pursuant to 42 U.S.C. 1983, against the City, Officers Tai and McNeil, and John Does 1-10, alleging, inter alia, that plaintiffs were subjected to excessive force as a result of an incident which occurred at Rikers Island on October 24, 2022. See Docket Entry No. 1. Plaintiff thereafter amended the complaint on January 22, 2025, following the identification of additional defendants. See Docket Entry No. 49.

The reason for this request is that the parties need additional time to complete paper discovery and depositions. The parties have exchanged Initial Disclosures and Document Requests and Interrogatories, as well as responses, and have not yet scheduled depositions. Further, as plaintiff has named additional defendants, this extension of time would permit plaintiff to serve them and the newly added defendants to respond to the amended complaint, as well as the parties

to complete any additional discovery regarding them. Therefore, the parties believe that an additional sixty days, until January 13, 2025, to complete discovery should be sufficient. Additionally, this extension of time would allow the parties to further engage in meaningful settlement discussions.

For the foregoing reasons, Defendant City respectfully request a forty-five day extension of time, March 31, 2025, to complete discovery and a corresponding adjournment of the remaining discovery deadlines and the post discovery conference currently scheduled for February 15, 2025.

Thank you for your consideration of the instant application.

Respectfully submitted,

/s/ John Schemitsch
John Schemitsch

To: **VIA ECF**
Sara J. Wolkensdorfer
Attorney for Plaintiffs

Application granted. The deadline to complete discovery is hereby extended to March 31, 2025. The conference previously scheduled for February 14, 2025 is hereby adjourned to April 4, 2025 at 3:30 p.m.

SO ORDERED.



Hon. Ronnie Abrams
February 12, 2025